

Brentwood Borough Council's Petitions Scheme

What is a petition

We treat as a petition any communication which is signed by or sent to us on behalf of a number of people.

For practical purposes, we normally set a requirement for at least 10 signatories or petitioners before we treat it as a petition.

Types of petition

There are five different types of petition, as set out below. How we deal with a petition depends on which type of petition you submit:

Ordinary petitions

These are petitions which do not come within any of the following specific types. Please note that petitions which raise issues of possible Councillor misconduct will be taken as complaints breaching the Members Code of Conduct, rather than considered under this Petition Scheme.

Consultation Petitions

These are petitions in response to an invitation from the authority for representations on a particular proposal or application, for example on planning or licensing applications or proposals for parking restrictions or speed limits. Consultation petitions which are received by the response date in the consultation invitation will be reported to a public meeting of the person or body which will be taking the decision on the application or proposal.

Statutory Petitions

Particular Acts of Parliament require the Council to consider petitions, for example a petition for a review of Parish Councils, or a petition for a directly-elected Mayor. Where you submit a petition under such a specific statute, we will report it to the next available meeting of the Council in accordance with the statutory requirements.

Petitions for Debate

If you want your petition to be reported to and debated at a meeting of the Council, it must contain at least 1,500 signatories or petitioners (this is reduced to 200 signatories or petitioners where the petition relates to a local issue, affecting no more than two electoral wards within the authority's area).

Petitions to Hold an Officers to Account

If you want your petition to be considered at a meeting of an Overview & Scrutiny Committee, where an officer, identified either by name or by post title, will be required to answer questions on the conducts of a particular matter, your petition should contain at least 500 signatories or petitioners (this is reduced to 100 where the petition relates to a local issues, affecting no more than two electoral wards within the authority's area). The authority has determined that such petitions must relate to the Chief Executive, a Director or Statutory Officer of the authority. Please note that where the petition raises issues of competence or misconduct, the petition will be referred to the Chief Executive and will be considered under the authority's Disciplinary Procedures, and not under this Petition Scheme.

How to give us your petition

1. The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the Council will receive an acknowledgement within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition.

Please send paper petitions to the Chief Executive, Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood Essex, CM15 8AY or submit an online petition via the Council's customer portal, MyBrentwood.

Please note that you will be required to create a customer account to submit a petition, but this is not required if you want to add a signature to an existing petition.

2. Petitions can also be presented by a Councillor at a meeting of the full Council. A calendar of meetings is available from Brentwood Borough Council on request or on the council's website www.brentwood.gov.uk. If you would like a Councillor to present your petition, please go to the Your Councillors page on the Council's website to find a Councillor's contact details. Arrangements must be made by at least 7 working days before the meeting takes place.

What are the guidelines for submitting a petition?

3. Petitions must include:

- a clear and concise statement covering the subject of the petition
- a statement of what action the petitioners wish the Council to take
- the name and address (which may be where the signatory lives, works or studies) and the signature of any person supporting the petition

4. Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition.

5. If the petition does not identify a petition organiser, we will contact the first signatory to the petition to agree who should act as the petition organiser. Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to explain the reasons.

What will the Council do when it receives my petition?

6. An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again.

7. If we can do what your petition asks, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition needs more investigation, we will tell you the steps we plan to take.

8. We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate, and will explain the reasons for this in our acknowledgement of the petition.

What happens to a Consultation Petition?

Consultations petitions are submitted in response to an invitation from the Council to submit representation on a particular proposal or application such as a planning or licensing application or a proposed traffic regulation order.

The petition will be reported to person or body who will take the decision on the proposal or application at the meeting when they are to take the decision on that application or proposal. The Council's Constitution defines who will take different types of decision, as set out in the Scheme of Delegations and the Terms of Reference of Committees and Sub-Committees. However, all planning and licensing applications are determined by the Planning Development Control and Licensing Committee (with one exception). The one exception in respect of planning applications is that the Chief Executive has delegated power to determine domestic planning applications where no objection has been received. So, where a petition has been received objecting to the grant of planning permission, the application would be reported to the Planning Development Control and Licensing Committee for decision. Where the petition supports the planning application, it may be determined by the Chief Executive.

Where the petition relates to a matter which is within the delegated power of an officer, the officer will not exercise those delegated powers but will automatically refer the matter up to the relevant Committee, Panel or Board for decision.

Where the petition relates to a matter which is within the delegated powers of a Chairperson s/he may decide not to exercise those delegated powers but to refer the matter to Council for decision.

At the meeting, when the matter to which the petition relates is considered:

Petitions which do not relate to an ordinary item of business will be considered before the normal business of the meeting and will be considered in the order in which they were received, unless the Chairperson at the meeting determines otherwise. A maximum of 30 minutes will be allowed at each meeting for considering such petitions and any petitions not reached in the time allowed will be referred to the relevant Panel for consideration or deferred until the next meeting.

Any petitions relevant to particular items of business, such as petitions relating to planning applications or proposed traffic regulation orders, will be taken together with that item of business, in the normal order of business.

The decision-taker or the Chairman of the meeting may invite a relevant officer to set out the background to the issue before inviting the petition organiser to address him/her for up

to three minutes. The Chairperson may then ask questions of the petition organiser and will then invite any relevant Ward Councillors present to address him/her on the matter for up to three minutes (each). The Chairperson will then invite a relevant Officer(s) to advise him/her/the meeting, after which the matter will be open for debate among members of the decision-making body. Where the matter is to be determined by a Chairperson, s/he will take a decision on the matter. That decision may be a determination of the matter or may be a decision to refer the matter for investigation and report back or to refer it up to a meeting of Council or a Committee of the Council for determination.

Within five working days of the consideration of the petition by the relevant Chairperson, the Council will notify the petition organiser of the Chairperson's decision and advise him/her that if s/he is not satisfied with that decision, s/he may require the matter to be reported to the next convenient meeting of the appropriate Overview & Scrutiny Committee for review

At each stage, the Council will enter the relevant information on the website at the same time as it is sent to the petition organiser.

Appeal to an Overview & Scrutiny Committee

If the petition organiser is not satisfied with the outcome of the authority's consideration of his/her petition, he/she may appeal to an Overview & Scrutiny Committee by notifying the Council of his/her intention to appeal within 20 working days of being notified of the authority's decision on the petition.

Within five working days of receipt of intention to appeal, the Council will determine which is the relevant Overview & Scrutiny Committee and will notify the petition organiser of the time, date and place of the next convenient meeting of that Overview & Scrutiny Committee and will invite the petition organiser to attend the meeting and to address the Committee for up to three minutes on why he considers that the authority's decision on the petition is inadequate.

At that meeting, the Overview & Scrutiny Committee will invite the petition organiser and Ward Councillors to make their representations and to explain why s/he considers that the Panel's response was insufficient.

How will the Council respond to petitions?

9. Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a meeting with petitioners
- writing to the petition organiser setting out our views about the request in the petition

10. If your petition is about something over which the Council has no direct control (for example, the local railway station or hospital), we may make representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible, we will work with these partners to respond to your petition.

If we are not able to do this for any reason (for example, if what the petition calls for should conflict with Council policy), then we will set out the reasons for this to you.

11. If your petition is about something that a different council is responsible for, we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

Officer evidence

12. We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate, and will explain the reasons for this in our acknowledgement of the petition.

13. Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

What can I do if I feel my petition has not been dealt with properly?

14. If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council's relevant overview and scrutiny committee review the steps that the Council has taken in response to your petition.

15. The Committee will consider your request within 30 days of receiving it. Should the Committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter.

16. Once your request has been considered, the petition organiser will be informed of the results within seven days.

This scheme is subject to review by the Council.

Petitions which will not be reported

Duplicate Petitions

Where more than one petition is received in time for a particular meeting, each supporting the same outcome on one matter, each petition organiser will be treated as an independent petition organiser, but only the petition organiser of the first petition to be received will be invited to address the relevant meeting.

Repeat Petitions

Where a petition will not normally be considered where they are received within six months of another petition being considered by the authority on the same matter.

Petitions

Petitions will not be reported if in the opinion of the Council, they are rude, offensive, defamatory, scurrilous or time-wasting, or do not relate to something which is the responsibility of the authority, or over which the authority has some influence.

If you would like further information or have a query about the Council's publication scheme please email democratic.services@brentwood.gov.uk.